

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

527D0841

SENATE ENGROSSED NO. **SB209** - 2/15/00

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Senators Symens, Dennert, Halverson, Hutmacher, and Rounds and
Representatives Cutler, Crisp, Haley, and Hanson

1 FOR AN ACT ENTITLED, An Act to provide for the acquisition and management of certain
2 rail lines if rail service is abandoned.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 49-16B be amended by adding thereto a NEW SECTION to read
5 as follows:

6 Notwithstanding any other provision of this chapter, upon the filing of abandonment
7 proceedings with the United States Surface Transportation Board or if a railroad abandons
8 service as defined in section 2 of this Act along a rail line, the authority may use its powers of
9 condemnation and eminent domain as provided by § 49-16B-13 to acquire possession of the rail
10 line if the authority determines that it is of economic importance to the state and that there is
11 sufficient local financial support to pay for the ultimate cost of the acquisition of the rail line. The
12 Department of Transportation may sell or manage the acquired rail line as provided by § 1-44-
13 28. Nothing in this section may be interpreted to create any debt or obligation for the acquisition
14 of a rail line against the authority or the State of South Dakota as a result of exercising the
15 provisions of this Act. No state official may bind or in any way obligate the State of South
16 Dakota for any debt incurred in the acquisition of any rail line pursuant to this Act.

1 Section 2. That chapter 49-16B be amended by adding thereto a NEW SECTION to read
2 as follows:

3 For the purposes of this Act, the term, abandoned service, means discontinuing the operation
4 of rail service to existing shippers for a period in excess of six months, other than for natural
5 occurrences which constitute a basis for filing notice of an embargo of rail service through the
6 American Association of Railroads. However, if no substantial effort is made to correct the
7 conditions for which the embargo was filed, the rail line is considered abandoned for the
8 purposes of this Act.

1 **BILL HISTORY**

2 2/14/00 First read in Senate and referred to committee assignment waived. S.J. 454